IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 894 OF 2007

Gangadharan Madhavan ...Petitioner
V/s.
Mohammed Khan & Anr. ...Respondents

Mr.V.J. Amberkar for the Petitioner.
Mr.Harshad Shaikh i/b. M/s.Bilawala & Co. for the Respondents.

CORAM : V.M. KANADE, J.

DATED : JUNE 18, 2007

P.C. :-

. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

. The petitioner is challenging the Award passed by the Presiding Officer, Fifth Labour Court, in Reference (IDA) No. 478 of 1998 whereby the claim raised by the petitioner herein for reinstatement with full backwages was not granted by the Labour Court.

. It is the case of the petitioner that he was working as a Driver with respondent no.2 company and his services were orally terminated by respondent no.1. After the matter was referred to the Labour Court, a

Statement of Claim was filed by the petitioner herein. The respondents raised defence that the petitioner was never employeed by the company and he was appointed as Driver by respondent no.1 and as such, he is not entitled to claim reinstatement with backwages. This defence has been accepted by the Labour Court.

. The learned Counsel for the petitioner has strenuously urged that the petitioner had produced a cash voucher which was issued by the company and this valuable piece of document was not considered by the Tribunal. He submitted that the petitioner also used to work for the other Directors of the company and he was under supervision of the officers of the company. He submitted that therefore, the petitioner was the employee of the company.

. It is not possible to accept the submission made by the learned Counsel appearing on behalf of the petitioner. The petitioner in his cross-examination has admitted that normally all employees of the company used to receive a salary slip and he had not received salary

slip from the company. He had also admitted that he never signed the muster roll. Except the voucher, there is no other evidence to establish that he was employee of the company. The Tribunal has considered this aspect and has held that the petitioner is not an employee of the company. I do not see any reason to interfere with the said order.

. Writ Petition is accordingly dismissed in limine.

(V.M. KANADE, J.)